

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CLIVE DENNIS

Plaintiff,

V.

CASE NO. 07 CIV 9754 (HB)

UNITED PARCEL SERVICE, INC.
LOCAL 804, L.B.T. UNION

**DEFENDANT'S
ANSWER TO COMPLAINT**

Defendants.

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Defendant Local 804, International Brotherhood of Teamsters ("Local 804"), for its answer to Plaintiff's complaint states:

1. Local 804 denies the allegations in paragraph 1 of the Complaint.
2. Defendant Local 804 acknowledges that Plaintiff seeks the relief described in paragraph 2 of the Complaint, and denies that he is entitled to any of it.
3. Defendant denies the allegations in paragraphs 3, 4, and 5 of the Complaint.
4. Defendant Local 804 admits the allegations in paragraphs 6, 7, and 8 of the Complaint.
5. Defendant Local 804 denies the allegations in paragraph 9 of the Complaint.
6. Defendant Local 804 admits the allegations in paragraph 10 of the Complaint.
7. Defendant Local 804 denies the allegations in paragraphs 11, 12, and 13 of the Complaint.
8. Defendant Local 804 admits the allegations in paragraph 14 of the Complaint.
9. Defendant Local 804 denies the allegations in paragraphs 15, 16, and 17 of the Complaint.

10. Defendant denies knowledge and information sufficient to respond to the allegations in paragraphs 18 and 19 of the complaint.

11. Defendant Local 804 admits the allegations in paragraphs 20 and 21 of the Complaint.

12. Defendant Local 804 denies knowledge and information sufficient to respond to the allegations in paragraphs 22, 23, 24, 25, 26, and 27, of the Complaint, and further states that the allegations relating to the events of October 6, 2006 were the subject of an arbitration award written by a neutral arbitrator.

13. Defendant denies the allegations in paragraphs 28, 29, 30, 31, 32, 33, 34, and 35 of the Complaint.

AFFIRMATIVE DEFENSES

14. Plaintiff's claims against defendant Local 804 are time barred under the applicable statutes of limitations and the doctrine of laches.

15. Plaintiff has failed to exhaust the required administrative remedies against Defendant Local 804.

16. Plaintiff fails to state a cause of action against Defendant Local 804.

17. Local 804 fully and fairly represented Plaintiff in an arbitration proceeding held before a neutral arbitrator.

18. Plaintiff is not entitled to punitive damages against Local 804 in this action.

19. Plaintiff has failed to exhaust internal union remedies.

WHEREFORE, the Complaint against Defendant Local 804 should be dismissed, and Local 804 should be awarded all costs and fees incurred in defending this matter.

Dated: New York, New York
December 11, 2007

Respectfully submitted,
Meyer, Suozzi, English & Klein, P.C.

By: /s/ Hanan B. Kolko
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